

Dr. Max Jacobson Faces State Charges on Conduct

By JANE E. BRODY

The New York State Department of Education and the Attorney General's office have served Dr. Max Jacobson with 11 charges of unprofessional conduct and fraud in the practice of medicine.

A highly placed source said yesterday that the doctor had been asked to appear on April 18 before a committee of the State Board of Medicine to answer the charges. If the charges are found valid by the board, it could eventually lead to the revocation of his license to practice medicine.

Dr. Jacobson's lawyer, Simon Rose, a partner in the firm of Louis Nizer, said yesterday that he had "no comment" to make about the charges. The doctor must answer the petition to appear prior to the hearing date.

The legal action followed articles in The New York Times describing details of Dr. Jacobson's practice. The 72-year-old Manhattan practitioner has said that for years he has been injecting amphetamines, or "speed," in addition to vitamins and other drugs into many patients, including some well-known politicians and wealthy entertainment world celebrities.

While many of Dr. Jacobson's patients had said they were pleased with the doctor's care, others reported bad reactions to the injections and addiction to the amphetamines.

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Associated Press
Dr. Max Jacobson

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One of his patients died of amphetamine poisoning, according to the medical examiner and the deaths of several other patients are being investigated.

Although the Department of Education, in conjunction with the Attorney General's office, has had an investigation of Dr. Jacobson pending since September, 1970, witnesses had not been questioned nor any legal action taken until the articles appeared in The Times.

The department's division of professional conduct is in charge of investigations of licensed practitioners.

The Education Department's investigation was prompted by two seizures of controlled drugs

from Dr. Jacobson's office in 1968 and 1969 by the Bureau of Narcotics and Dangerous Drugs.

The bureau charged the doctor with having failed to account for the drugs he possessed and other irregularities. Official sources said the first seizure involved some 600 grams of amphetamines enough for 43,000 doses at 15 milligrams a dose and the second 150 grams of amphetamines and a gallon of the sedative phenobarbital (some 800 doses).

Society's Investigation

The Times articles also led to an investigation of Dr. Jacobson's practice by the Medical Society of the County of New York, which has been prompted

by the case to reassess its regulatory policies.

The medical society's Board of Censors has interviewed witnesses, reviewed letters of complaint and praise from Dr. Jacobson's patients and evaluated a 50-page memorandum submitted in Dr. Jacobson's defense by his lawyers.

The doctor has reportedly agreed to appear before a special meeting of the board next week, although the society refused to say precisely when. The society's power is limited to censuring a physician member or revoking his membership in the society.

Only the State Board of Regents, through the Department of Education, can revoke a doctor's license.

Among the charges of unprofessional conduct filed against Dr. Jacobson are illegal possession of amphetamines and the distribution of misbranded and mislabeled drugs. The charge of fraud alleges that the doctor illegally dispensed amphetamines to many persons without performing a medical examination. Other details of the charges were not available yesterday.

Committee Hearing

The closed hearing will be held before the five-member committee on professional conduct of the State Board of Medicine, which licenses physicians and sets rules and regulations for the practice of medicine in New York. This committee can recommend to the

Board of Regents such measures as revocation or suspension of the doctor's license, ensure, reprimand or not action.

If the doctor contests the committee's decision, he and his lawyer can go before a three-member subcommittee on discipline of the Board of Regents, which can affirm the previous committee's decision or increase or decrease the penalty.

The board then makes a final decision and the Commissioner of Education issues an order to be executed by the Department of Education. Until the Board's final decision, which will be announced publicly, the proceedings are confidential.

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and Fraud